

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

ROLAND J. WILLIAMS

PLAINTIFF

vs.

CASE NO. **4:06CV00615GH**

PREMIER NSN, LLC. , ET AL.

DEFENDANTS

**ORDER**

Pending before the Court is defendants' motion to dismiss or in the alternative motion to compel and for sanctions. Defendants state that they have not received plaintiff's mandatory disclosures as required by the Rule 26(f) report. The parties agreed that the disclosures were to be provided on January 25, 2007.

Plaintiff finally submitted his mandatory disclosures on March 13, 2007. In his response to the motion to dismiss, plaintiff alleges that he had not received disclosures from defendants.

Defendants take issue with plaintiff's contention, asserting that he has misrepresented the facts. There is merit to defendants' contention.

Defendants have submitted exhibits verifying that they served their mandatory disclosures on plaintiff's counsel on January 25, 2007. Plaintiff was served with the motion to dismiss on February 27, 2007. At least at that time, plaintiff was advised that defendants had served their mandatory disclosures, while plaintiff had not. Plaintiff requested an extension of time to respond to the motion to dismiss, thereby affirming that he received a copy of the motion to dismiss. It is clear that defendants served their mandatory disclosures on plaintiff prior to plaintiff's response to the motion to dismiss.

Plaintiff has served his mandatory disclosures. The Court is not persuaded that defendants are unduly prejudiced by the late submission.

Accordingly, the motion to dismiss or in the alternative for sanctions is denied.

IT IS SO ORDERED this 30<sup>th</sup> day of March, 2007.

  
UNITED STATES DISTRICT JUDGE